



Attorney Docket No. 56876 (45579) *56*

*3738*  
*#4 / election*  
*and B*  
*5-2003*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** K. Osther et al.

**EXAMINER:** Miller, Cheryl L.

**U.S.S.N.:** 10/057,112

**GROUP:** 3738

**FILED:** January 25, 2002

**CONF. NO.:** 1887

**FOR:** IN VITRO REPAIR OF BONE AND/OR CARTILAGE DEFECTS

**RECEIVED**

MAY 15 2003

TECHNOLOGY CENTER R3700

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service, in an envelope with sufficient postage as First Class Mail addressed to: Mail Stop Non-Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on May 2, 2003.

By:

*Helen Murray Tarbi*  
Helen Murray Tarbi

Mail Stop Non-Fee  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir/Madam:

**AMENDMENT AND RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES REQUIREMENT**

Applicants respond as follows to the Restriction Requirement and Election of Species Requirement as set forth in the Office Action dated April 2, 2003.

**IN THE CLAIMS**

Please **cancel** claims 1-28, 34-38, 43-51 and claims 53-57.

Please **amend** claim 39 as follows.

*B* 39. A membrane according to claim 29, wherein the stimulation molecule comprises at least one RGD motif.

**RESPONSE TO RESTRICTION REQUIREMENT  
AND ELECTION OF SPECIES REQUIREMENT**

Applicants hereby elect Group I, claims 29-42 and 52, drawn to a membrane, and Species 1, Figure 1 with traverse. The election is made solely to comply with the Office Action and should not be construed as a surrender of any subject matter in the application. The right to file divisional applications based on the non-elected claims is reserved.

With respect to the Election of Species Requirement, Applicants traverse the Requirement. An interface membrane (i.e., Species 2, Figure 2) used to repair bone and cartilage is encompassed within the scope of at least claim 29 which is drawn to a membrane which can be used to repair cartilage. Accordingly, there would be no burden on the Examiner to examine all of the claims in Group I.

In view thereof, reconsideration of the Restriction Requirement and Election of Species Requirement as set out in the Office Action is respectfully requested.

Although it is not believed that any fee is required to consider this submission, the Examiner is hereby authorized to charge our deposit account 04-1105 should any fee be deemed necessary.

Date: May 2, 2003

Respectfully submitted,



Dianne M. Rees, Ph.D.  
Reg. No. 45,281  
EDWARDS & ANGELL, LLP  
Intellectual Property Group  
P.O. Box 9169  
Boston, MA 02209

Telephone: 617-439-4444  
Customer No. 21874  
BOS2\_334100.1